

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

United States of America

*

*

vs.

* **No. SA-10-0536-FB(11)**

*

Casey Vaughan

*

Defendant/Witness Vaughan's Notice Regarding Fifth Amendment Privilege

Comes now the Defendant/Witness Casey Vaughan, and, pursuant to this Court's Order, notifies the Court and Counsel of his intentions regarding the invocation of the Fifth Amendment privilege against self-incrimination, and would respectfully show the following:

Undersigned counsel believes that, where a witness is subpoenaed to testify in the trial of someone else, or in any proceeding, the proper procedure is for the witness to invoke the Fifth Amendment privilege against self-incrimination on a question-by-question basis, rather than wholesale as when a defendant is testifying on his own behalf. *Brown v. United States*, 356 U.S. 148, 154 (1958), citing *Arndstein v. McCarthy*, 254 U.S. 71 (1920). Therefore, counsel cannot know until he hears the individual questions whether the answers to those questions will tend to incriminate his client. Counsel does inform the Court that his client intends to invoke the Fifth Amendment privilege against self-incrimination in response to any question, either on direct or cross examination, the answers to which might tend to incriminate him, unless granted use immunity as to those questions.

Should this Court rule that Mr. Vaughan may invoke a blanket Fifth Amendment privilege against self-incrimination, and thereby refuses to testify

altogether, then Mr. Vaughan intends to do so, unless granted use immunity as to his testimony.

Respectfully Submitted,

/S/ Bertram Oliver Wood

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Certificate of Service

I hereby certify that AUSA Bill Harris and counsel for all Defendants are subscribed to the CM/ECF system, and that said system was the method of filing the above document, and that counsel received notice by that means.

/S/ Bertram Oliver Wood

Bertram Oliver Wood